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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,463	09/24/2001	Kei Fukuda	450101-02950	9482
20999	7590	11/25/2005		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER HUYNH, CONG LAC T	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,463

Applicant(s)

FUKUDA ET AL.

Examiner

Cong-Lac Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-27 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-27 and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/10/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: amendment filed 9/9/05 to the application filed on 1/23/01.
2. Claims 35-36 are added.
3. Claims 16-27, 29-36 are pending in the case. Claims 16, 29 and 32 are independent claims.
4. The objection of claim 29 has been withdrawn in view of the amendment.

Priority

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 36 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The limitation "wherein at least one of said plurality of special effect categories is a

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transition category" is not disclosed in the specification (page 33) as pointed out by Applicants.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 16-24, 26-27, 29-34 remain under 35 U.S.C. 102(b) as being anticipated by Miller et al. (US Pat No. 5,801,685, 9/1/98, filed 4/8/96).

Regarding independent claim 29, Miller discloses:

- selecting a material clip from a plurality of material clips for automatic editing process (col 1, line 22 to col 2, line 20)
- storing scenario data configured into a plurality of scenes having timing information including start time of each scene of said plurality of scenes (**col 1, line 20 to col 2, line 20**: the clips in the database with timing information implies that a plurality of scenes with timing and the playtime duration are stored)
- corresponding data in said selected material clip as editing objects to said each scene of said plurality of scenes (**col 1, lines 11-21, col 5, lines 26-50**: change made to the script leads to the automatic editing of the correspondent clip which causes the start time of a video clip to be changed where each video clip is

- considered equivalent to a scene of video shows corresponding scripts to each scene of video)
- modifying said material clip with special effects so that said plurality of scenes includes transitions between scenes with special effects scenes (**col 5, lines 26-65**: changes made to the script such as adding text or frames to or removing text or frames from the script causing the play-time duration of the corresponding video clips to be adjusted shows modifying the material clip with the adjusted start time and end time of each clip where the modified video includes transitions between scenes and the special effects such as the adding action or the deleting action to the video file)
 - wherein said special effects are selected from a plurality of distinct special effects categories (**col 5, lines 43-51**: the options of either adding or deleting video frames are special effects which are selected for modifying the material clip to decrease or increase the playback speed of the video clip, or to increase or decrease the play-time duration)
 - continuously reproducing said plurality of material clips on the basis of said scenario data (**col 6, lines 11-27**: displaying the video clips for viewing every time after being edited shows that the video clips is reproduced continuously after being edited)

Regarding claim 30, which is dependent on claim 29, Miller discloses:

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- corresponding, a row of characters to be inserted to one of said plurality of scenes (**col 4, lines 27-38**: linking the script with the selected clip by inserting control characters into the script text at a desired location of the video clip shows corresponding of the script text and the selected video clip; **col 13, lines 44-51**: "...video clips are linked to the text script to create an entire linked video and script text presentation ...")
- said reproducing displays said row of characters superposed at the time of reproducing said material clips of scenes to which said row of characters are corresponded (**col 4, lines 21-62**: dragging and dropping the video clip to the drop location of the marked text of the script shows that the script including characters is superposed at the time of reproducing the video clip; **col 13, lines 35-51**: additional video clip is inserted into the script text shows that the script text, which is a row of characters is superposed at the time of reproducing the scene)

Regarding claim 31, which is dependent on claim 29, Miller discloses:

- displaying in list images relating to said material clip (**col 4, lines 21-34**: viewing video clips where the clips include frames which are images to be selected relating to video data shows that these frames are displayed)
- displaying said images arranged relating to material clip in order corresponded to each scene of said scenario data (**col 4, lines 21-34**: selecting frames in the clips on the graphical user interface inherently shows that the video frames,

equivalent to images, corresponding to each clip of the video segment are displayed on the screen)

Claims 32-34 are for a program storage medium of method claims 29-31, and are rejected under the same rationale.

Claims 16-21 are for an apparatus for performing method claims 29-31, and are rejected under the same rationale.

Regarding claim 22, which is dependent on claim 17, Miller discloses storing a plurality of scenario data in the scenario data memory and selecting one out of said plurality of scenario data (**col 4, col 24-30**: selecting raw clips from the database list of available clips shows that a plurality of video clips, equivalent to a plurality of scenario data is stored in the scenario data memory).

Regarding claim 23, which is dependent on claim 16, Miller discloses:

- storing effect information added to a scene (**col 5, lines 43-65**: adding video frames to a video clip to change the play-time duration of video playback; this implies that such change made to the video clip must be stored for later use)
- corresponding said effect to either of said plurality of scenes (**col 5, lines 43-65**: the added video frames correspond to the video clip to which said frames are added to)

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Regarding claim 24, which is dependent on claim 16, Miller discloses reproducing said plurality of material data corresponded by said corresponding means on the basis of said scenario data (**col 5, lines 43-65**: the video clips are edited based on editing of video frames, which are equivalent to scenario data, to reproduce video clips).

Regarding claim 26, which is dependent on claim 24, Miller discloses that said plurality of material clips is still image data (col 4, lines 24-30: the video frames are still image data in the video).

Regarding claim 27, which is dependent on claim 24, Miller discloses that said plurality of material clips is voice data (col 3, lines 38-42, col 6, lines 1-7, 41-43, 50-53).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 25 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (US Pat No. 5,801,685, 9/1/98, filed 4/8/96) in view of Abe (US Pat No. 6,714,216 B2, 3/30/04, filed 9/27/99).

Regarding claim 25, which is dependent on claim 24, Miller does not disclose that said material data is animation data. Instead, Miller discloses editing audio clips and video clips for broadcasting (abstract, col 6, lines 39-53).

Abe discloses that the data in video editing is animation data (figure 9, SP4, SP6: moving picture is the animation data).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Abe into Miller since Abe discloses editing video sequence where the data for editing is animation material providing the advantage to incorporate into Miller for producing animation data instead of merely editing audio data and video data by changing the length of the video segment since reproducing animation based on audio data and video data, at some point, is one way of editing audio data and video data.

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13. Claims 35-36 are under 35 U.S.C. 103 (c) as being unpatentable over Miller et al. (US Pat No. 5,801,685, 9/1/98, filed 4/8/96).

Regarding claim 36, which is dependent on claim 36, Miller does not disclose explicitly that at least one of said plurality of distinct special effects categories is a transition category. However, Miller does teach automatically updating the EDL to reflect the change of video data (col 5, lines 52-65).

It would have been obvious to an ordinary skill in the art at the time of the invention was made to have amended Miller to incorporate the transition into Miller since automatically updating the EDL to reflect the change of video data suggests a transition of video data after being modified.

Claim 35 includes the same limitation as in claim 36 and is rejected under the same rationale.

Response to Arguments

14. Applicant's arguments filed 9/9/05 have been fully considered but they are not persuasive.

Applicants argue that Miller fails modifying the material clip with special effects so that said plurality of scenes includes transitions between scenes with special effects scenes, wherein said special effects are selected from a plurality of distinct special effect categories (Remarks, page 11).

Examiner respectfully disagrees.

Miller does teach the argued feature. See the action above.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Asai et al. (US Pat No. 6,710,785 B1).

Taguchi et al. (US Pat No. 6,957,388 B1).

Balnaves et al. (US Pat No. 6,954,894 B1).

Slone (US Pat App Pub No. 2002/0037153 A1).

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4125.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cong-Lac Huynh
Primary Examiner
Art Unit 2178
11/15/05